

RESOLUTION NO.: 03-098

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES,  
APPROVING CONDITIONAL USE PERMIT 02-026  
FOR A PROPOSED THEATRE DRIVE RETAIL CENTER AND SELF-STORAGE FACILITY  
(PROPERTY-OWNER, MR. JAMES H. PANKEY)

APN: 009-851-001

WHEREAS, Conditional Use Permit 02-026 has been filed by John Knight, Principal Planner with RRM Design Group for Prime Commercial Real Estate and the Rosetti Company on behalf of the property-owner, Mr. James H. Pankey; and

WHEREAS, Conditional Use Permit 02-026 is seeking authorization to operate the retail center and mini-storage facility in the C2 PD (Highway Commercial, Planned Development) Zoning District; and

WHEREAS, two (2) additional development related applications have been filed in conjunction with Conditional Use Permit 02-026: (a) Planned Development 02-015, proposing to construct and operate an approximately 101,650 square foot retail center and mini-storage facility; and (b) Tentative Parcel Map PR 02-0321, subdividing the site into four (4) individual lots; and

WHEREAS, the approximately 8.3-acre project site is located on the west side of Theatre Drive, immediately south of the Target Center; and

WHEREAS, the General Plan Land Use Designation of this site is Regional Commercial (RC) and it is in the Highway Commercial, Planned Development Overlay Zoning District (C2, PD); and

WHEREAS, Section 21.13.030 of the Zoning Code which requires approval of a Conditional Use Permit for commercial use of C2 PD-zoned properties in the Theatre Drive area so as to ensure that land uses will not have a significant adverse effect on the economic vitality of the downtown as required by Ordinance 568 N.S.; and

WHEREAS, if approved by the Planning Commission, the development applications for this proposed retail center and self-storage facility would authorize the following:

- A. Planned Development 02-015 would establish the site plan, development standards, architectural theme, andscaping, and required infrastructure for the site; and
- B. Conditional Use Permit 02-026 would allow for operation of the multi-tenant retail center if found not to have a significant adverse effect on the economic vitality of Downtown Paso Robles; and
- C. Tentative Parcel Map PR 02-0321 would subdivide the site into four (4) individual lots.

WHEREAS, an Initial Study was prepared for this proposed retail center and self-storage project (and is on file in the Community Development Department) which proposes adoption of a Mitigated Negative Declaration and a Mitigation Monitoring Program; and

WHEREAS, Public Notice of the proposed Mitigated Negative Declaration and Mitigation Monitoring Program was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, at its December 9, 2003 meeting, the Planning Commission held a duly noticed public hearing on the proposed Theatre Drive retail center and mini-storage facility, to consider the facts presented in the staff report and to accept public testimony on the Planned Development, Conditional Use Permit, Tentative Parcel Map, and environmental review therefor; and

WHEREAS, based upon the facts and analysis presented, and public testimony received, the Planning Commission finds, subject to the conditions of approval set forth herein this Resolution, that:

1. The establishment, maintenance and operation of the proposed retail center and self-storage facility will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of persons residing or working in the neighborhood of the proposed restaurant, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.
2. The proposed retail center and self-storage facility will not have significant adverse impacts on the economic vitality of the downtown, based on the following:
  - (a) Development and operation of a retail center and self-storage facility on this site is consistent with the City's Economic Strategy; and
  - (b) Development and operation of a retail center and self-storage facility on this site takes advantage of its accessibility to, and visibility from, Highway 101 and Highway 46 West; and
  - (c) The retail center and self-storage facility will cater to shoppers within the North County area, specifically in Templeton and nearby Atascadero, thereby improving the Paso Robles market share of the San Luis Obispo County highway commercial business and regional shoppers.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 02-026 subject to the following conditions:

**SITE SPECIFIC CONDITIONS**

1. The project shall comply with all conditions of approval in the resolutions adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for the proposed restaurant, approving Planned Development 02-015, and approving Tentative Parcel Map PR 02-0321.
2. Approval of this Conditional Use Permit shall run concurrently with the Planned Development approval, and shall expire under the same conditions of that entitlement (2 years, with additional one year time extension increments permitted to be considered). However, once the project/site development is complete, the CUP will be vested and will run indefinitely in accordance with the Zoning Ordinance provisions (unless revoked by the City).
3. All on-site operations shall be in conformance with the City's performance standards contained in Section 21.21.040 (General Performance Standards Applicable to All Uses) of the Zoning Ordinance.
4. Any site specific condition imposed by the Planning Commission in approving this project may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the approval of this project. No such modification shall be made unless the Commission finds that such modification is necessary to protect

the public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use for this approval.

5. All on-site operations shall be in conformance with the City's commercial storage/mini-storage buildings standards and requirements contained in Section 21.21.080 (Commercial Storage Buildings).
6. No outdoor storage areas are allowed as part of the Planned Development and Conditional Use Permit for this retail center and self-storage facility. Any subsequent proposals for review/consideration of an outdoor storage area shall be subject to Planning Commission review and approval through a formal amendment to this Conditional Use Permit, including a duly noticed public hearing, and shall be subject to compliance with Section 21.21.110 (Outdoor Storage Areas) of the Zoning Ordinance.
7. No outdoor display areas for merchandise are authorized as part of the Planned Development and Conditional Use Permit for this retail center and self-storage facility. Any subsequent proposal for review/consideration of an outdoor display area for merchandise of the Major anchor tenant (Ilder's) shall be subject to Development Review Committee review and approval for compliance with Section 21.21.120 (Outdoor Display of Merchandise) of the Zoning Ordinance.
8. No signs are authorized as part of the Planned Development and Conditional Use Permit for this retail center and self-storage facility. Signs are subject to separate City review and approval.

PASSED AND ADOPTED THIS 9<sup>th</sup> day of December, 2003 by the following roll call vote:

AYES: Flynn, Warnke, Ferravanti, Johnson, Steinbeck, Kemper  
NOES: None  
ABSENT: Calloway  
ABSTAIN: None

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CHAIRMAN RON JOHNSON

ATTEST:

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ROBERT A. LATA, PLANNING COMMISSION SECRETARY

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